

RTZ GF# 05-10-01695-LE

\$24<sup>00</sup>**SUBORDINATION OF LEASE**

**WHEREAS**, Sand Fiddler Berry, LLC, a Texas limited liability company("Lessor") and Express Wave, LLC("Lessee") entered into that Lease dated as of November 2, 2009 (the "Lease") concerning the premises located at 804 East Berry Street, Fort Worth, Texas 76110, same being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

**WHEREAS**, Lessor and Lessee desire to subordinate all of their right, title and interest in and to the Lease to that one certain Deed of Trust (With Security Agreement and Assignment of Rents) ("Deed of Trust") dated of even date herewith, executed by Lessor in favor of Lender and encumbering the Property, and any and all other interests in the Property of The Fort Worth Economic Development Corporation("Lender") in consideration of a loan made by Lender to Lessor in the original principal amount of \$364,000.00 as evidenced by a promissory note of even date herewith executed by Lessor.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT**, for and in consideration of the premises and the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the Lessor and Lessee in hand paid by the Lender, Lessor and Lessee do hereby covenant and agree that the Lease and any modifications, renewals, extensions, and amendments of the Lease and all rights, options, liens or charges created thereby (including any option to purchase or right of first refusal) are hereby made expressly subject and subordinate, in all respects, to the Deed of Trust and the lien and any security interest created thereby, to any advancements made under the Deed of Trust, to any and all consolidations, renewals, modifications and extensions thereof, and to any other deed of trust on the Property which may hereafter be held by Lender, its successor and assigns.

EXECUTED this 10 day of June, 2010.

LESSOR:

Sand Fiddler Berry, LLC,  
a Texas limited liability company

By: Robert S. Horton  
Robert S. Horton, Member

By: Melissa R. Horton  
Melissa R. Horton, Member

LESSEE:

Express Wave, LLC,  
a Texas limited liability company

By: Robert S. Horton  
Robert S. Horton, Member

By: Melissa R. Horton  
Melissa R. Horton, Member

STATE OF TEXAS §  
§  
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Robert S. Horton and Melissa R. Horton, Members of Sand Fiddler Berry, LLC, a Texas limited liability company, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same in the capacity therein stated and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 10 day of June, 2010.

[Signature]  
NOTARY PUBLIC, State of Texas

STATE OF TEXAS §  
§  
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Robert S. Horton and Melissa R. Horton, Members of Express Wave, LLC, a Texas limited liability company, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same in the capacity therein stated and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 10 day of June, 2010.

[Signature]  
NOTARY PUBLIC, State of Texas

SUBORDINATION OF LEASE

**EXHIBIT "A"**

Lot 1, Block 1, BHL ADDITION, an Addition to the City of Fort Worth, Tarrant County, Texas according to plat recorded in Cabinet A, Slide 12661, Deed Records of Tarrant County, Texas.

SUZANNE HENDERSON

COUNTY CLERK



100 West Weatherford Fort Worth, TX 76196-0401

PHONE (817) 884-1195

RATTIKIN TITLE  
201 MAIN ST STE 800  
FT WORTH, TX 76102

Submitter: RATTIKIN TITLE (OPR)

**DO NOT DESTROY**  
**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 6/10/2010 4:15 PM

Instrument #: D210139634

LSE

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PGS

\$24.00

By: 

D210139634

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY  
BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Prepared by: VMMASSINGILL